

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
\*\*\*\*\*

JAMIE LEE PETERSON,

Plaintiff,

v

HON. PAUL L. MALONEY  
U.S. DISTRICT COURT JUDGE

FILE NO. 1:15-cv-00969

DAVID HEYMES, GREG SOMERS,  
MARK URIBE, DAVID ISRAEL,  
VILLAGE OF KALKASKA COUNTY OF  
KALKASKA, UNNNAMED OFFICERS  
OF THE MICHIGAN STATE POLICE, and  
UNNAMED OFFICERS OF THE  
KALKASKA POLICE  
DEPARTMENT,

Defendants.

---

Gayle Horn  
Roshna Bala Keen  
LOEVY & LOEVY  
311 North Aberdeen, 3<sup>rd</sup> Floor  
Chicago, IL 60607  
(312) 243-5900  
[gayle@loevy.com](mailto:gayle@loevy.com)  
[roshna@loevy.com](mailto:roshna@loevy.com)

G. Gus Morris (P32960)  
Christopher Raiti (P68600)  
McGRAW MORRIS, P.C.  
Attorneys for Village and Heymes  
2075 W. Big Beaver Road, Suite 750  
Troy, MI 48084-3433  
(248) 502-4000  
[gmmorris@mcgrawmorris.com](mailto:gmmorris@mcgrawmorris.com)  
[craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com)

---

---

Gregory R. Grant (P68808)  
CUMMINGS, McCLOREY, DAVIS &  
ACHO, P.L.C.  
Attorneys for Defendants County and Israel  
400 W. Front Street, Ste. 200  
Traverse City, MI 49684  
(231) 922-1888  
[ggrant@cnda-law.com](mailto:ggrant@cnda-law.com)

Joseph T. Froehlich (P71887)  
John G. Fedynsky (P65232)  
MICH DEPT. OF ATTORNEY GENERAL  
Attorneys for Defendants Somers and Uribe  
PO Box 30736  
Lansing, MI 48909-8236  
Phone: (517) 373-6434  
[froehlichj@michigan.gov](mailto:froehlichj@michigan.gov)  
[fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov)

**STIPULATION AND ORDER FOR STAY OF PROCEEDINGS DURING  
INTERLOCUTORY IMMUNITY APPEAL**

NOW COME the parties herein, by and through their respective attorneys, hereby stipulate and agree to the following:

1. Plaintiff Jamie Lee Peterson seeks to recover damages from Defendants on multiple federal and state-law claims arising from these Defendants' supposed role in allegedly coercive interrogations and manipulation of evidence that Peterson believes caused him to be wrongly prosecuted and convicted of a sexual assault for which the conviction was later vacated.
2. Defendants sought dismissal under Fed. R. Civ. P. 8(a) and 12(b)(6) on grounds including "qualified immunity" against Peterson's federal claims and "governmental immunity" against Peterson's state-law claims.
3. This Court converted the Defendants' motion to one for summary judgment under Fed. R. Civ. P. 56.
4. By its opinion and order entered September 29, 2017, this Court denied the motion by Defendants.
5. Defendants have filed their Notices of Appeal to the Sixth Circuit challenging the denial of their "qualified immunity" and "governmental immunity."
6. The appeal by Defendants is now pending in the United States Court of Appeals for the Sixth Circuit.
7. Federal "qualified immunity" is "an entitlement not to stand trial or face other burdens of litigation," and the Supreme Court has recognized that the benefit of such immunity is "effectively lost" if governmental defendants are erroneously required to continue litigation of their case in the trial court. *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

8. The parties hereby stipulate to a stay of the District Court case pending the outcome of the appeal in the Sixth Circuit.

APPROVED AS TO FORM:

/s/ Roshna Keen  
Gayle Horn  
Roshna Bala Keen  
LOEVY & LOEVY  
Attorneys for Plaintiff  
Dated: November 2, 2017

/s/ Joseph Froehlich  
Joseph T. Froehlich (P71887)  
John G. Fedynsky (P65232)  
MICH DEPT. OF ATTORNEY GENERAL  
Attorneys for Defs. Somers and Uribe  
Dated: November 6, 2017

/s/ Christopher Raiti  
G. Gus Morris (P32960)  
Christopher Raiti (P68600)  
McGRAW MORRIS, P.C.  
Attorneys for Defs. Village and Heymes  
Dated: November 2, 2017

/s/ Gregory R. Grant  
Gregory R. Grant (P68808)  
CUMMINGS, McCLOREY, DAVIS &  
ACHO, PLC  
Attorneys for Defs. ISRAEL and COUNTY  
Dated: November 6, 2017

**ORDER**

At a session of said Court  
held on the \_\_\_\_ day of \_\_\_\_, 2017.

PRESENT: HONORABLE PAUL L. MALONEY  
U.S. DISTRICT COURT JUDGE

Having read and filed the attached Stipulation, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the District Court case is hereby STAYED pending the outcome of the appeal in the Sixth Circuit.

PAUL L. MALONEY, U.S. District Court Judge  
Dated:

## Laurie Robbins

---

**From:** Roshna Bala Keen <roshna@loevy.com>  
**Sent:** Thursday, November 2, 2017 9:48 AM  
**To:** Laurie Robbins  
**Cc:** gayle@loevy.com; gmorris@mcgrawmorris.com; crait@mcgrawmorris.com; froehlochj@michigan.gov; fedynskyj@michigan.gov; Gregory R. Grant  
**Subject:** Re: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

Yes, looks fine. Thanks.

On Thursday, November 2, 2017, Laurie Robbins <lrobbins@cnda-law.com> wrote:

Attached is the revised Stip & Order. We removed paragraph 8. Please let us know if we have permission to sign the original.

Thank you,



## Laurie Robbins

---

**From:** Christopher J. Raiti <craiti@mcgrawmorris.com>  
**Sent:** Thursday, November 2, 2017 10:10 AM  
**To:** Laurie Robbins; 'Roshna Bala Keen'  
**Cc:** gayle@loevy.com; gmorris@mcgrawmorris.com; froehlochj@michigan.gov; fedynskyj@michigan.gov; Gregory R. Grant  
**Subject:** RE: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

The Village Defendants consent.

Christopher J. Raiti  
Partner  
**McGraw Morris PC**  
2075 West Big Beaver Rd  
Suite 750  
Troy, MI 48084  
[craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com)  
[www.mcgrawmorris.com](http://www.mcgrawmorris.com)  
O 248.502.4000  
F 248.502.4001  
C 586.491.7482

CONFIDENTIAL AND ATTORNEY/CLIENT PRIVILEGED:

This e-mail and any attachments are confidential, intended for the addressee only and may be attorney/client privileged. If you are not the addressee, then please DO NOT read, copy or distribute the message or any attachment. Please reply to the sender that you received the message in error and delete it. Thank you.

---

**From:** Laurie Robbins [mailto:lrobbins@cnda-law.com]  
**Sent:** Thursday, November 02, 2017 9:46 AM  
**To:** Roshna Bala Keen  
**Cc:** gayle@loevy.com; gmorris@mcgrawmorris.com; craiti@mcgrawmorris.com; froehlochj@michigan.gov; fedynskyj@michigan.gov; Gregory R. Grant  
**Subject:** RE: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

Attached is the revised Stip & Order. We removed paragraph 8. Please let us know if we have permission to sign the original.

Thank you,

## **Laurie Robbins**

---

**From:** Froehlich, Joseph (AG) <FroehlichJ@michigan.gov>  
**Sent:** Monday, November 6, 2017 12:50 PM  
**To:** Laurie Robbins  
**Cc:** G. Gus Morris; Christopher James Raiti; Gregory R. Grant  
**Subject:** RE: Jamie Lee Peterson matters

Has everyone approved it but me? You can indicate my consent and file with the Court.

Thanks

Joseph T. Froehlich  
Assistant Attorney General  
Michigan Department of Attorney General  
Civil Litigation, Employment and Elections Division  
525 West Ottawa Street, Fifth Floor  
P.O. Box 30736  
Lansing, MI 48909  
(517) 373-6434  
[froehlichj@michigan.gov](mailto:froehlichj@michigan.gov)



PRIVILEGED AND CONFIDENTIAL - ATTORNEY CLIENT COMMUNICATION: The above communication may be protected by the attorney-client privilege and should be read by the intended recipient(s) only. Further distribution of this message beyond the intended recipient(s) may waive this privilege. If you feel that you have received this message in error, please contact the sender immediately.

---

**From:** Laurie Robbins [mailto:[lrobbins@cmda-law.com](mailto:lrobbins@cmda-law.com)]  
**Sent:** Monday, November 6, 2017 12:05 PM  
**To:** Froehlich, Joseph (AG) <FroehlichJ@michigan.gov>  
**Cc:** G. Gus Morris <[gusmorris@mcgrawmorris.com](mailto:gusmorris@mcgrawmorris.com)>; Christopher James Raiti <[craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com)>; Gregory R. Grant <[ggrant@cmda-law.com](mailto:ggrant@cmda-law.com)>  
**Subject:** RE: Jamie Lee Peterson matters

Attached is the proposed Stip & Order that was emailed on 11/2.

Thank you,